

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Confirmation No. 6733
)	
Long Dang <i>et al.</i>)	Group Art No. 1651
)	
Serial No.: 10/568,765)	Examiner: D. K. Ware
)	
Filed: February 12, 2007)	Atty. Docket No: 001107.00591
)	
For: Improved Combination of Bacteriolytic)	
Therapy for the Treatment of Tumors)	

SUPPLEMENTAL RESPONSE

Commissioner of Patents
c/o Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the final Office Action mailed January 19, 2011, and subsequent to the Advisory Action mailed April 27, 2011 and the Examiner Interview conducted May 4, 2011, Applicants request reconsideration of the obviousness-type double patenting rejection.

The amendments submitted on April 13, 2011, have been entered. All statutory rejections under §§ 103 and 112 have been withdrawn. The only remaining rejection is under the judicially created, non-statutory, obviousness-type double patenting doctrine. Claims 1-15, 25, and 26 stand rejected for this reason. Claims 16-24, 27 and 28 are indicated as allowed.

The examiner and the undersigned agent discussed the remaining rejection by telephone today. Applicants indicated a different basis for overcoming the rejection than previously argued. The examiner requested that this rationale be committed to a writing and be made part of the official record.

A one-month extension of time is requested and the fee submitted. No other fee is believed due in connection with this response. However, should the Patent and Trademark Office determine that an additional fee is required, please charge our Deposit Account No. 19-0733.